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UNITED STATES DISTRICT COURT
Northern District of California
San Francisco Division

THOMAS MICCIO,
Plaintiff,

No. C 10-3976 EMC

v.

ORDER RE: ATTENDANCE

TANIA MICCIO,
Defendant.

Date: March 9, 2011
Mediator: Harold McElhinny

IT IS HEREBY ORDERED that plaintiff's request for an emergency phone call with the court and defendants to seek permission for plaintiff Thomas Miccio to attend the March 9, 2011 ENE before Harold McElhinny is DENIED. The proper procedure for seeking permission to be excused from attending an ENE in person is clearly set forth in ADR L.R. 5-10(d).

Because of the late date of the request, however, the court has considered plaintiff's request, and finds that, especially in light of defendant's offer to contribute to the cost of plaintiff's travel expenses, Mr. Miccio has not made an adequate showing that his being required to attend the ENE in person would cause his 'extraordinary or otherwise unjustifiable hardship' as required by ADR L.R. 5-10(d). Accordingly, the request to excuse Thomas Miccio from personally attending the March 9, 2011 ENE before Harold McElhinny is DENIED.

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1 Given the extremely late date of the request, the court urges the parties seek an extension of
2 the deadline to complete ENE from Magistrate Judge Chen to allow Mr. Miccio additional time to
3 make his travel arrangements.

4 IT IS SO ORDERED.
5

6 March 7, 2011

7 By: _____

8 Dated



Elizabeth D. Laporte
United States Magistrate Judge